

REMARKS

This is intended as a full and complete Response to the Office Action dated February 4, 2004, having a shortened statutory period for response set to expire on May 4, 2004. A request to extend the time for response three (3) months, to August 4, 2004, is being filed herewith. Please reconsider the patentability of the claims for reasons discussed below.

Claims 1-14, 24-27 and 29-34 are pending in the application, all of which have been rejected under 35 U.S.C. § 103. Claims 1-23, 26-28 and 30 have been cancelled by Applicant. New claims 35-39 have been added. Applicant submits the claims are patentable, and solicits allowance thereof.

The claims have been rejected under 35 U.S.C. § 103(a) as being obvious over *Angels Online* in view of *Freishtat* (U.S. Patent 5,945,989). As noted above, the claims have been amended to overcome the rejection. Applicant submits the amended claims (including the new claims) are patentable over the cited prior art.

Amendments and New Claims

The claims have been amended. All the system claims have been cancelled, with the Applicant reserving the right to include them in a later-filed divisional or continuation application. Also, certain method claims have also been cancelled; others have been amended. No new matter has been added. Claim 24 is representative of the amended (and new) claims. Claim 24 is an amended method claim that includes an editing password feature, i.e., a password supplied to an individual associated with the deceased (typically a family member) after the deceased has died. Also, the claim recites providing for inputting of the password to provide editing access, which can be accomplished by a system that automatically permits editing access upon the inputting of the password. The purpose of the editing password (e.g., the family password) is to give an individual editing access, e.g., the ability to edit certain pages of the memorial site from a remote workstation, e.g., the comfort of his or her own home. Preferably, the funeral home director will usually also have a separate password, e.g., one that gives him additional access to the memorial page. For this reason, creating a memorial site may involve "dual passwords." The editing password feature is discussed in various places in the application, including on page 17, lines 8-13; page 27, lines 8-20 and page 28, lines 8-22. The other claims are similar in many ways to claim 24, and are likewise patentable.

Angels Online

The primary reference relied on by the Examiner is *Angels Online*. Three 1998 newspaper articles hyperlinked to the current Angels Online website suggest that a 1997 publication date for Angels Online is reasonable; thus it is 102(b) prior art. Copies of those three articles are submitted herewith for use by the examiner, together with a supplemental information disclosure statement listing the three articles.

The 1998 articles reveal pertinent information about the *Angels Online* website, as well as the state of the art in May 1999 when Applicant filed this application (although the Applicant's website was actually conceived and created earlier). Those 1998 articles, and the *Angels Online* website itself, constitute evidence that the claimed method is nonobvious. The *Angels Online* website lacked any feature that would provide editing passwords to the families of the deceased or any feature that would give them editing access to the memorials. The *Angels Online* website qualifies as a "static" memorial, discussed on page 1 (lines 12-20) of the current application, which explains that "static" memorials have shortcomings in that they are difficult to change or edit except by submitting written changes to the memorial service provider and then waiting for those changes to be made by a webmaster.

The "static" nature of *Angels Online* is reflected in the following information provided by the website pages themselves: Page 4 states that a delay of 7-10 business days before "initial posting" can be expected. Then, Page 5 refers to the content of the "initial posting," namely, information of the deceased (such as name, address, date of death, eulogy, etc.). That information is part of a "submission form" (see page 1) that is transmitted electronically to the *Angels Online* headquarters. (The submission form is also apparently referred to an "Information and order form.") Nothing in *Angels Online* suggests, or even hints at, the methods set forth in any of the claims. Significantly, although over seven years have passed since the creation of the first *Angels Online* website (1997), that website is still "static." That the owners of *Angels Online* never altered their website to incorporate editing from a remote workstation or the use of editing passwords is evidence that such any method that included such features would not have been obvious, certainly not in 1998 or 1999. Based on *Angels Online*, therefore, the claims would not have been obvious under 35 U.S.C. § 103.

BEST AVAILABLE COPY

Angels Online combined with Freishtat

The Examiner has rejected the claims for obviousness under 35 U.S.C. § 103 based on the combination of *Angels Online* with *Freishtat*.

Applicant traverses the Examiner's combining of *Angels Online* with *Freishtat*.

The Examiner stated that although *Angels Online* does not refer to password protections, "*Freishtat* et al. teaches that a system may deploy an interface that allows passwords protected editing access (FIGS. 3-4)." (Office Action, page 2.) The Examiner also stated that "[i]t would have been obvious to one of ordinary skill in the art to modify each of the template pages [of *Angels Online*] (such as page 5) to have password protected editing access so as to prevent unauthorized additions or changes to funeral websites." (Office Action p. 3.) But this logic fails, since there was no need for password protection or any protection. Because *Angels Online* was a pure "static" system, it did not permit editing access by remote users; indeed, it was impossible to make "additions or changes to funeral websites" by any means other than by using the "submission form" (which presumably would then take 7-10 business days to effect).

The Examiner conceded that *Angels Online* "does not specifically recite the usage of password protections." (Office Action, page 2.) But *Angels Online* has an even greater deficiency; namely, that there was no reason to adopt editing passwords given there was no remote workstation editing capabilities. Therefore, it certainly would not have been obvious, or even reasonable, for a person having ordinary skill in the art of online memorial website design to incorporate the use of an editing password. Further, there is nothing in either *Angels Online* or *Freishtat* that would make combining those two references appropriate, or using *Freishtat* to modify *Angels Online*.

One of the reasons it would not be obvious to modify *Angels Online* with *Freishtat* is that *Angels Online* is a "static website," which deliberately precludes interactive editing. Thus, an "editing password" would be useless with *Angels Online*. So all the discussion in *Freishtat* about editing (discussed below) is irrelevant to *Angels Online*.

Furthermore, *Freishtat* has no relevance to memorials, or funerals or obituaries. *Freishtat* refers to a device that allows for the content of a website to be modified using a telephone. It is not seen how such a system would apply to memorials or funeral homes. The *Freishstat* system comprises "three primary components ...: the Content Manager, the CT/I

Service, and the Web publishing process.” (Col. 4, lines 24 -26). The Content Manager discloses a system wherein web pages, and other online content, are associated with a series of PIN codes. (Col. 6, line 20 through Col. 9, line 37.) For example, Figures 11 and 13 show an example of content management screens that are used to generate a possible universe of content that may, or may not, be displayed as part a website. Using a general workstation, a person such as a webmaster (or other person designated with similar responsibility) enters or modifies the universe of information stored in the Content Manager). Once entered into the Content Manager, the information remains static, until subsequently modified.

Subsequently, a user of the system may then modify the content of a website using DTMF tones of a telephony device to enter the corresponding PIN codes. (Freishtat Col. 9, line 36 through Col. 10 line 16.) A user of the system disclosed in Freishtat, connects to the system using a CT/I interface and though different combinations of DTMF tones can select what content of the website to change. Accordingly, the system disclosed in Freishtat can best be described as content management, as apposed to original content generation. That is, other than audio recordings made using the telephone device, users select to manipulate “any Web page element, including graphics, audio content, interact controls, email and fax options, time and data stamping, pre-formatted text.” (Freishtat Col 5, lines 3-6) by selecting from the components that are available in the Content Manager. The pin codes are used to identify the users.

Further, Applicant submits that even the combination of references would still not satisfy all the claim limitations, since the combination does not disclose or suggest supplying an editing password to an individual associated with the deceased, nor supplying a password after the death of the deceased person. Accordingly, Applicant submits the claims would not have been obvious under 35 U.S.C. § 103 over *Angels Online* in view of *Freishtat*.

Conclusion

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Accordingly, the claims are patentable.

Having addressed all issues set out in the Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



Douglas H. Elliott

Registration No. 32,982

MOSER, PATTERSON & SHERIDAN, L.L.P.

3040 Post Oak Blvd. Suite 1500

Houston, TX 77056

Telephone: (713) 623-4844

Facsimile: (713) 623-4846

Attorney for Applicant(s)